The Women of Colonial Latin America

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CHAPTER 1

Iberian Women in the Old World and the New

> There are very few noble women who are beautiful, wise, soft, captivating, rational, and clean in all things that pertain to women and who are not covetous and envious of that which other women have. There are few women who are sincere and who do not contradict everything a man may say, do, or dictate, but rather are happy to accommodate his desires. But even though noble women with good attributes are difficult to find, men cannot live without them. Therefore, men must learn the ways to acquire their love.[1]

At the time of the discovery of the New World, a queen sat on the throne of Spain. Isabel I was a strong, even dominant woman, as some have argued. A fanatical defender of the Holy Roman Catholic faith, she was instrumental in imposing religious unity on both her own country and neighboring Portugal. At the same time, she fiercely maintained the juridical independence of Castile and established the laws of her kingdom as the foundation of Latin American jurisprudence. But Spain itself was the product of several traditions as well as the conflicting experiences of warrior and mercantile societies. Church, law, and tradition all affected the role of women in the Iberian Peninsula and by extension in the American colonies.

Because both Spain and Portugal had experienced years of Moslem conquest followed by years of Christian reconquest, the position of women in the Iberian Peninsula was quite different from that throughout the rest of Europe. The role of women in these societies reflected

[1] An anonymous fifteenth-century author, in Michael Solomon, trans. and ed., *The Mirror of Coitus* (Madison, Wis.: Hispanic Seminary of Medieval Studies, 1990), 30.

the combined effect of Islam and Roman Catholicism. On the one hand, the Islamic ideal of the cloistered, sheltered woman, the woman protected in the home or the harem, continued to resonate in Iberian society, as did the strong link between female virginity and honor. On the other hand, the gap between the idealized conduct of women and their real behavior was sizable. Women in Christian society, for example, especially the rural peasants, enjoyed a good degree of independence. Furthermore, women in Iberian societies benefited from legal rights that went far beyond those accorded to other European women at the time.

Spanish thinkers and writers such as Fray Martín de Córdoba, Juan Luis Vives, Fray Luis de León, and Juan de la Cerda influenced the gender ideology that conditioned the official fifteenth- and sixteenth-century view of women. All opined on the nature of women and all agreed that women were less intelligent, rational, and wise than men, a result of a nature governed by flesh rather than spirit. Intellectually inferior and possessing only limited understanding, women were constitutionally incapable of treating matters of substance. Because of their natural foolishness, women were admonished to keep silent. Furthermore their lack of mental acuity made it unnecessary to teach them to write, although reading instruction sufficient to manage devotional literature was acceptable.

Not only mentally inferior, women were also morally fragile and prone to error. Their fleshly nature meant that women tended to have uncontrollable carnal appetites and could little resist temptation. They were particularly susceptible to evil and easily swayed by the devil. Unable to govern their own passions and behavior, women were dangerous to themselves, their families, and society at large if uncontrolled or uncloistered. Popular culture and literature not only accepted this vision of women; it also stressed that women were inconsistent, gossipy, overly emotional, irrational, changeable, weak, prone to error, deceitful, and profligate.

Although some sixteenth- and seventeenth-century Spanish and Portuguese writers emphasized the role of women within the family, the ideal of Counter-Reformation society was to keep women under control through enclosure. Only by remaining in their homes, convents, orphanages, *recogimientos*, prisons, or other institutions could women be protected from their "natural weaknesses." Only when placed under male religious guidance could women's unbridled sexuality be prevented from wreaking havoc on society. The growing strictures placed

on women was for their own good, the good of men, and the survival of Christian society.

Central to this gender ideology was paternalism, a belief in the dominant position of the father over his wife and children. Just as paternalism ordered the relationship between the monarch and his subjects or between the pope and his flock, it shaped that between men and women. Men were by definition morally superior to women, whereas women, because of their natural fragility, needed restrictive regulations defining their conduct. A man's role was to guide and control, a woman's to obey, whether within the context of kinship, marriage, or the church. As a result, a woman's place in society was defined primarily by her relationship to a man or a religious institution. Her most important social attribute was that she was the wife of a particular man, the daughter of so-and-so, or a nun.

The teachings of the Roman Catholic Church regarding premarital purity, marriage, and the concepts of male and female honor also greatly influenced gender ideology. The church decided what constituted acceptable sexuality, with whom and how. Believing that marriage should be the norm for all but the most pious, the church stressed the importance of female virginity before marriage and chastity after. Although there was no room for female sexual pleasure outside of marriage, sexual relations between husband and wife were a vital part within marriage. In theory women had the right to demand that their husbands have sexual relations with them. Indeed both marriage partners were encouraged to perform their *debito matrimonial* (conjugal duty) in order to accomplish the biblical injunction to "be fruitful and multiply."

Furthermore, the church's concept of sin stressed the sins of the flesh. Sexual abstinence was a virtue and too much pleasure in sexual acts, even within marriage, was by definition sinful. This view was further enhanced in the mid-sixteenth century by the Counter-Reformation, which stressed the link between sex and sin. Ideas about female virtue were strengthened by an Iberian Christian culture that emphasized one female figure, the Virgin Mary, an idealized female distanced from any sexual contact or experience. Paradoxically, although her condition as a mother "without blemish" made her impossible to emulate, she was the model for all female behavior, combining sexual purity, perfect motherhood, stoic suffering, and sacrifice.

The church, in conjunction with a woman's male kinsfolk, was charged with the important task of inculcating socially acceptable

behavior. Men, both clerical and lay, defined a woman's conduct and enforced their definition, and the misconduct of women was often seen as the private business of men. At the same time, the church worked to protect women's virtue and to control female sexuality by the use of the confessional, ecclesiastical visits, enclosure, and the Inquisition. A good woman was to be virtuous, pure, resigned to her lot in life, passively obeying her father, brother, husband, and confessor.

In addition to religion and gender ideology, Iberian society embraced a set of social codes in which honor figured prominently. For women, honor was tied to private chastity and public conduct. A woman's chastity was to be reflected in both her appearance and behavior, for "good" women dressed modestly and were not erotic in their bearing. Instead, being meek in behavior, they avoided all and any situations that could lead them astray and sought semi-seclusion or at least the company of female family members of high repute. Honorable women were those who displayed *vergüenza* by going to church frequently, living with a respected family or in a convent, and generally leading an "honest and sheltered life."

A man could earn honor by conforming to the social ideals of his status group while a woman could jeopardize it through the frailties of her flesh. According to prevailing ideas, women were divided into the "virtuous" and the "shamed," with the dividing line between these two groups closely linked to female sexuality. In theory there were no gray areas in this moral code, and any woman who sought sexual pleasure outside of marriage was the same as a prostitute.

Because the honor of the entire family depended on the sexual purity of its females, women's sexuality was subjected to severe control. But because not all families were equal, some had more honor to defend than others. Control of women's sexuality therefore differed according to social group. In Spain and in America there was little direct control over the sexuality of lower-class women, for they and their families were viewed as having no honor to protect.

From the late fifteenth century on, another attribute of honor was "purity of blood" (*limpieza de sangre*), the proven absence of Jewish or Moorish ancestry. In America, people of African descent would soon be added to the list of those with impure blood. In both the Old World and the New, male and female lineages would be scrutinized for impurities, but female virtue was of paramount concern in assuring that no impure blood entered a family's veins. Control of female sexuality, along with racial endogamy and an insistence on legitimacy, became

the socially accepted method of guaranteeing that one's children enjoyed purity of blood.

Despite these values and stereotypes that placed women in a clearly subordinate position, the women of Castile – and, by extension, those of Spanish America – had comparatively greater legal rights that other European women. Although their legal condition was far from equal to that of men, Castilian and Portuguese laws were exceptionally fair to women. This was especially true for laws of inheritance: a complex formula stipulated which males and females were legal heirs. Indeed, inheritance depended on legitimacy and the degree of relationship to the deceased, not gender; if a woman was a closer blood relative, she was preferred over a man. Furthermore it was impossible to disinherit one's legitimate progeny, and all women regardless of their marital status could inherit and own property.

Iberian law also called for equal inheritance for all heirs of the same degree. This meant that heirs inherited irrespective of their sex, age, or order of birth. In other words, inheritance was gender blind. This principle of equality was highly beneficial to women. But paradoxically women from the wealthiest families in the Iberian Peninsula and America were at a disadvantage if their forebears had created entails (*mayorazgos*), which reserved the estate for the eldest male. In matters of mayorazgo, women could inherit titles and properties only when there was no surviving male heir.

With the exception of mayorazgo, women inheriting, owning, buying, selling, exchanging, and donating property had the same basic legal rights as men. Women not only inherited property; they could also bequeath it, thus transferring property to their heirs. Moreover, on the death of their husbands, widows were entitled to half of the property belonging to the couple. Widows also inherited the right of *patria potestad*, the legal control over the lives and property of their minor children. Even in marriage a woman's property remained hypothetically distinct from that of her husband, and as a result children inherited separately from their mother and father. If a married woman died without children, her parents, siblings, and cousins, not her husband, had first claim on her estate. Tied to the concept of separate maternal and paternal property inheritance was that of separate maternal and paternal lineage; in Spain and Spanish America children took the last names of both their father and mother.

The granting of a dowry at the time of marriage was another way to transfer property to women. Dowries, given to help support the

expenses of marriage, were legally an advance payment of a daughter's eventual inheritance. The grant, usually made in the form of goods and cash, theoretically belonged to the woman, although the actual control of the property usually fell to her husband. But he could not alienate any part of the dowry and was responsible for preserving it as best he could. In Spain as in America, a woman who believed her husband guilty of malfeasance could bring him to court, demanding that her dowry be returned to her or administered by someone else. As early as 1693, for example, a Michoacán woman sued to reclaim her dowry, removing it from the hands of her spendthrift husband. Upon the death of her husband, repayment of the dowry to this widow took precedence over all other obligations. If a bride died childless, the dowry was returned to her parents.

The rights of single women were especially marked in Castilian society, and, like single men, unmarried women reached the legal age of majority at twenty-five. Paradoxically social pressures worked to encourage marriage, an institution that limited a woman's legal independence. Unlike men, women's legal rights were affected by their marital status, for marriage deprived women of a separate juridical personality, transforming them into the legal wards of their husbands. Married women needed their husband's permission to do what single women were free to do – buy, sell, give away their property, and draw up a will. Nonetheless, because both church and state were determined to safeguard the institution of wedlock, marriage also bestowed social status and limited power on women.

Marriage in the Iberian Peninsula was a legal, ritual, liturgical, and sacramental matter, governed by the rules of canon and civil law, which in turn were based on Roman law. Holy wedlock was also a legal contract that joined a man and woman in a household for purposes of sexual intercourse, procreation, and general cooperation. Marriage was a necessary condition to bear legitimate children – that is, children who were acknowledged by both parents, entitled to support from both parents, and legally able to inherit from both parents.

Because marriage was a religious sacrament, it was governed by the Roman Catholic Church. The church not only performed the marriage; it set the requirements for a marriage to be legally binding. Canon or church law established that a man or woman could have only one spouse at a time (monogamy) and defined eligible marriage partners. One could not marry one's father, godfather, or brother; first cousins could wed only if granted a special dispensation. Marriage of women

below the age of twelve and men younger than fourteen was also forbidden, as was marriage to anyone who had taken a prior vow of chastity. Furthermore, a marriage was valid only if both husband and wife had freely chosen to take the sacrament. In theory Roman Catholic doctrine provided a strong bulwark against forcing women into marriages they opposed.

Matrimony was in fact a two-step process, beginning with engagement, a legally binding agreement in which the couple gave its "word of marriage in the future." Customarily this mutual promise was symbolized by an exchange of gifts. Within months (or sometimes years), engagement was followed by the marriage ceremony itself in which husband and wife gave their "word of marriage in the present." Until the mid-sixteenth-century reforms of the Council of Trent, both engagement and marriage ceremonies could be performed by the couple themselves as long as two witnesses were present. It is clear that for many there was little distinction between these two ceremonies. A promise to marry was as binding as a marriage itself, and many couples began sexual relations as soon as they had formally become engaged.

In the mid-sixteenth-century the Council of Trent drew up new, more stringent rules of betrothal and marriage. From then on, the church examined prospective newlyweds to determine whether they were not already related, whether they were entering freely into marriage, whether they were physically able to consummate the union, and whether they were already married to another. To end the practice of clandestine marriage, the council mandated that there be a public reading of the banns, that the couple be joined in Holy Matrimony by a priest, and that the ceremony be witnessed by at least two adults.

Iberian Catholic traditions such as choosing godparents for the newlywed couple continued to be observed. If the marriage was the bride's first, an additional veiling ceremony (velación), underlining the woman's virginity, was also performed by the priest. The liturgy of marriage also reinforced the notion of bridal purity and the woman's position within the new family. According to the marriage liturgy a wife was subservient to her husband and duty bound to obey him.

To be valid a marriage also had to be consummated. Marriage gave a man exclusive sexual rights over his wife. So clear was this conjugal right that only adultery by a wife or betrothed woman justified a man's abandoning a woman. Because the Catholic Church was highly favorable to marriage, even after the Council of Trent canon law made it relatively easy to marry but fairly difficult to unmarry. Instead of the

easy divorce and remarriage of Roman law, Roman Catholic marriage allowed for only annulment or separation.

Theological treatises and confessional manuals both wrestled with the question of how men and women were to behave within the bounds of holy matrimony. Some authors saw marriage as a contract between two parties in which justice and reason was of central importance, while others viewed marriage as a mystical union, stressing the bonds of love. All underlined that marriage was a reciprocal, although unequal, arrangement between a man and a woman. Within the union a man's obligation was to honor, love, protect, and provide for his wife; a woman's obligation was to obey her husband. A man had right to punish his wife when she went astray, although the punishment was to be moderate. Thus marriage linked subordination with love, for marriage was a contract in which women were promised material support in return for their near total obedience. Marriage relationships were hierarchical; good wives were submissive and followed their husbands lead in furthering his and their family interests. This was the social ideal that both church and state hoped would be accepted by both men and women.

Marriage was also viewed as a partnership as reflected in Iberian "conjugal economics." The assets of marriage consisted of three parts: the property of the wife brought into marriage in the form of a dowry, that of the husband, and all property earned by the couple during the marriage. This last asset, the *financiales*, belonged equally to both husband and wife for it was assumed that the wife joined fully in the couple's economic fortune whether or not she owned property herself. The wife was thereby recognized as a full partner in supporting the couple and in making a useful and productive contribution to the marriage.

After the death of her spouse, a widow of any age was considered independent and free to remarry, but a widow who remarried too quickly (within less than one year) was looked upon askance. Fast remarriage raised suspicions as to her first husband's death, her comportment during marriage and widowhood, and the possible paternity of her children. Although widows had full legal power to act in their late husband's stead, they often entrusted this power to close male kin. It was also common for a widow to return to her family home.

Both crown and church encouraged marriage, but less formal sexual relations were common. In medieval Spain concubinage (*barragania*) between single or widowed people was extremely common and widely